

09/10-08

AA/1786

PTO/SB/21 (09-06)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

34

Application Number

10/643,597

Filing Date

August 19, 2003

First Named Inventor

Walter H. WHITLOCK

Art Unit

1746

Examiner Name

Zeinab El-Arini

Attorney Docket Number

M02A454

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

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under 37 CFR 1.52 or 1.53

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Petition

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Petition to Convert to a
Provisional Application

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Power of Attorney, Revocation

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(Appeal Notice, Brief, Reply Brief)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

The BOC Group, Inc.

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David A. Hey

Date

September 7, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of: Walter H. Whitlock
Serial No: 10/643,597
Filed: 19 August 2003
For: Process and System for Cleaning Surfaces of
Semiconductor Wafers

Art Unit: 1746
Examiner: El-Arini, Zeinab

BOC Case No: M02A454

Mail Stop Appeal Brief
Commissioner of Patents and Trademarks
Patent and Trademark Office
Washington, D.C. 20231

September 7, 2007

AMENDED APPEAL BRIEF

Dear Sir:

The following Amended Appeal Brief is respectfully submitted in connection with the above identified application in response to the Notification of Non-Compliant Appeal Brief Answer dated 7 August 2007 in connection with the above application.

In particular, applicant has been notified of a Order Remanding To The Examiner issued by the Board of Patent Appeals and Interferences decided 30 July 2007 that indicated that the case is not ripe for review because of the following reasons.

Independent claims 13 and 14, as well as dependent claim 15 are drawn to a system for cleaning semiconductor wafer surfaces having, *inter alia*, mechanical elements defined by means-plus-function limitations.

Therefore the Appellant is required to identify “every means plus function and step plus function as permitted by 35 USC 112[§], sixth paragraph,” and set forth “the structure, material, or acts described in the specification as corresponding to each claimed function...with reference to the specification by page and line number, and to the drawings, if any, by reference characters” in the Summary of Claimed Subject Matter section of the Brief. However, the Appellant has not done so. For example, Appellant refers to page 4, lines 15-21 of the Specification for claim 13 and page 4, lines 22-31 of the Specification for claim 14. However, those referred to passages in the Specification do not define structure corresponding to the claimed means plus function limitations. Nor has Appellant clearly specified every corresponding structure that may be disclosed in the Specification and linked the functions of any such structures to each respective means-plus-function limitation recited in the appealed claims.

This Amended Appeal Brief is being submitted as a substitute to the original Appeal Brief and responds to the above issues. In addition, this Amended Appeal Brief includes the response to the new grounds of rejection set forth in the Examiner’s Answer of 14 July 2006 and previously answered in the Reply Brief of 14 September 2006, as well as all other grounds of rejection covered in the original Appeal Brief.

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Real Party in Interest

The real party in interest for the above identified application are the inventors, and the assignee of the invention, The BOC Group, Inc.

Related Appeals and Interferences

There are no related appeals or interferences known to any of the appellants, the undersigned or the assignee which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-20 are rejected and claims 1-20 are appealed.

Status of Amendments

An amendment after-final rejection was filed 30 March 2006 and has been acted upon by the Examiner. In particular, the Examiner indicated in the Advisory Action that the amendment would be entered for purposes of appeal but that claims 1-20 remained rejected over prior art. The Examiner also indicated that a rejection based on 35 USC 112, second paragraph had been overcome.

However, the amendment filed 30 March 2006 was also found by the Examiner to be non-compliant because of deficiencies in an earlier amendment to the specification. Therefore, a supplemental amendment was filed 28 April 2006 to overcome the non-compliance. The Examiner responded to this supplemental amendment in the Examiner's Answer indicating that the amendment remained non-compliant as the complete paragraphs including the amendments on pages 4 and 11 were not provided. Because these amendments relate to minor informalities, it is respectfully requested that further action be held in abeyance until determination of the appeal of the rejections of claims in this application.

Summary of Claimed Subject Matter

The present invention relates to processes and systems for cleaning the surface of a semiconductor wafer. In general semiconductor wafers are cleaned using a combination of organic solvents and dense gases, such as isopropyl alcohol mixed with carbon dioxide. These cleaning mixtures must be delivered to the wafer at high pressure (1000 psia or more) because of the need to liquefy the gas component. This requires the use of high-pressure pumps that may have to be constructed of relatively expensive, corrosion-resistant materials. Such pumps are generally suitable for delivery at constant flow rates, but are less adept at delivering momentary or surge flow rates. In addition, if additives are needed, a separate high-pressure pump may be required. (Specification page 1, lines 24-34)

The present invention provides processes and systems for cleaning semiconductor wafers wherein the number of high-pressure pumps is minimized and momentary or surge flow rates can be provided. In particular, independent claim 1 of the present invention provides a process for cleaning a surface of a semiconductor wafer, wherein a cleaning component selected from the group consisting of a dense gas component, a liquid component and a mixture thereof is provided to a bellows accumulator, and an elevated pressure is applied to the bellows to discharge the cleaning component onto the surface of a wafer to be cleaned. (Specification page 3, lines 19-25)

Claims 2-7 ultimately depend from claim 1 and include further features and limitations of the present invention. In particular, claim 2 requires the dense gas component to be dense carbon dioxide or supercritical carbon dioxide. (Specification page 5, line 21 – page 6, line 7) Claim 3 includes the limitation that the liquid component is an organic liquid soluble or miscible in dense carbon dioxide or supercritical carbon dioxide, while claim 4 sets forth specific

liquid components, e.g. isopropyl alcohol. (Specification page 6, lines 18-29)
Claim 5 requires the elevated pressure applied to the bellows is via a compressed gas. (Specification page 11, lines 23-25; Fig. 1) Claim 6 and 7 includes limitations covering the headspace pressure for a pressure chamber in which the contacting takes place as well as a velocity at which the cleaning component is sent toward the wafer surface. (Specification page 9, lines 20-28)

Independent claim 8 of the present invention describes another process for cleaning a surface of a semiconductor wafer, wherein multiple bellows accumulators are utilized, a first for conveying a dense gas component and a second for conveying a liquid component to the wafer surface. (Specification page 3, line 26-34)

Claims 9 and 10 depend from claim 8 and require further limitations according to the present invention. In particular, claim 9 requires the elevated pressure applied to the second bellows is via the dense gas component (Specification page 11, lines 23-25; Fig. 1), while claim 10 includes the limitation that the dense gas component and liquid component are mixed prior to application to the wafer surface. (Specification page 11, lines 29-32; Fig. 1)

Independent claim 11 of the present invention defines a further process for cleaning a surface of a semiconductor wafer, wherein two accumulators are used, a first to convey a dense gas component and a second to convey a liquid component to the wafer. The accumulator for the dense gas is a bellows accumulator and the elevated pressure supplied to the second accumulator is applied via the dense gas component. (Specification page 4, lines 4-13)

Claim 12 depends from claim 11 and requires that the dense gas component and liquid component are mixed prior to application to the wafer surface.

(Specification page 11, lines 29-32; Fig. 1)

Independent claim 13 of the present invention provides a system for cleaning a surface of a semiconductor wafer, including a bellows accumulator adapted to receive and retain a cleaning component selected from a dense gas component, a liquid component and a mixture thereof; means to apply elevated pressure to discharge the cleaning component onto a wafer, and a chamber to receive and retain the wafer during cleaning. (Specification page 4, lines 15-21) The means for applying an elevated pressure to the component contained in the bellows comprises the use of a compressed gas, dense gas or other high pressure motive fluid (Specification page 6, line 31) that is supplied to the head space surrounding the bellows in the bellows accumulator. (Specification page 7, lines 23-25; page 11, lines 15-20 with reference to the bellows 76, headspace 75, and gas supply 78 of Fig. 1; page 12, lines 10-16 with reference to the bellows 118, headspace 119 and gas supply 120 of Fig. 2) In addition, the component supplied to the bellows can be provided at an elevated pressure from a compressed gas tank, dense liquid storage tank or using a pump. (Specification page 11, lines 11-14 with reference to the carbon dioxide supply 70, accumulator 74 and pump 72 of Fig. 1; page 12, lines 7-10 with reference to carbon dioxide supply 112, accumulator 116 and pump 113 of Fig. 2) The gas or other motive fluid used to provide the elevated pressure to the bellows can be provided at elevated pressures by any means known in the art such a high pressure pump, compressed storage tank or vessel. (Specification page 7, lines 2-3) If using a pump, either low or high pressure pump/compressors can be used, including centrifugal pumps, reciprocating pumps, diaphragm pumps, axial pumps, rotary pumps or piston pumps. (Specification page 8, lines 19-20) In addition, the means to provide elevated pressure can take the form of an

accumulator having a piston actuated by a pressurized gas supply.
(Specification page 12, lines 22-27 with reference to accumulator 142,
piston 146, and gas supply 148 of Fig. 2)

Independent claim 14 of the present invention describes a system for
cleaning a surface of a semiconductor wafer, having two accumulators, one
for each of a dense gas component and a liquid component, wherein the first
accumulator is a bellows accumulator, means to apply elevated pressure to
each accumulator and a chamber to retain the wafer during cleaning.

(Specification page 4, lines 22-31) The means for applying an elevated
pressure to the component contained in the bellows comprises the use of a
compressed gas, dense gas or other high pressure motive fluid (Specification
page 6, line 31) that is supplied to the head space surrounding the bellows in
the bellows accumulator. (Specification page 7, lines 23-25; page 11,
lines 15-20 with reference to the bellows 76, headspace 75, and gas
supply 78 of Fig. 1; page 12, lines 10-16 with reference to the bellows 118,
headspace 119 and gas supply 120 of Fig. 2) In addition, the component
supplied to the bellows can be provided at an elevated pressure from a
compressed gas tank, dense liquid storage tank or using a pump.

(Specification page 11, lines 11-14 with reference to the carbon dioxide
supply 70, accumulator 74 and pump 72 of Fig. 1; page 12, lines 7-10 with
reference to carbon dioxide supply 112, accumulator 116 and pump 113 of
Fig. 2) The gas or other motive fluid used to provide the elevated pressure to
the bellows can be provided at elevated pressures by any means known in
the art such a high pressure pump, compressed storage tank or vessel.

(Specification page 7, lines 2-3) If using a pump, either low or high pressure
pump/compressors can be used, including centrifugal pumps, reciprocating
pumps, diaphragm pumps, axial pumps, rotary pumps or piston pumps.

(Specification page 8, lines 19-20) In addition, the means to provide elevated
pressure can take the form of an accumulator having a piston actuated by a

pressurized gas supply. (Specification page 12, lines 22-27 with reference to accumulator 142, piston 146, and gas supply 148 of Fig. 2) The means for applying an elevated pressure to the liquid component comprises the use of a compressed gas, dense gas or other high pressure motive fluid (Specification page 6, line 31) that is supplied to the head space surrounding the bellows in the bellows accumulator. (Specification page 7, lines 23-25; page 11, lines 20-25 with reference to the bellows 90, headspace 91, and gas supply of Fig. 1). Alternatively, the liquid component is pressurized by supply to an accumulator in the form of a pressurized storage vessel. (Specification page 12, lines 16-21 with reference to the bellows accumulator 134 and gas supply of Fig. 2)

Claim 15 depends from claim 14 and includes the further limitation of a means adapted to receive and mix the dense gas component and the liquid component prior to the chamber. (Specification page 11, lines 29-32; Fig. 1) The means to receive and mix the components can be any type of mixer, such as a dynamic mixer or static mixer. (Specification page 8, lines 21-22; page 11, lines 30-32 with reference to static mixer 100 of Fig. 1; page 12, lines 22-26 with reference to impeller 144 of Fig. 2)

Independent claim 16 of the present invention provides a process of mixing a dense gas component and a liquid component, the process comprising conveying the dense gas component to a bellows accumulator, conveying the liquid component to an accumulator, applying elevated pressure to the bellows accumulator to discharge the dense gas therefrom, applying elevated pressure to the second accumulator to discharge the liquid component therefrom, and combining the discharged dense gas component and the discharged liquid component to form a mixture. (Specification page 4, line 32 – page 5, line 7)

Claims 17 – 20 depend from claim 16 and include further limitations according to the present invention. In particular, claim 17 requires the second accumulator to be a bellow accumulator. (Specification page 7, lines 31-32; Fig. 1) Claim 18 includes the limitation that the dense gas component is dense carbon dioxide or supercritical carbon dioxide. (Specification page 5, line 21 – page 6, line 7) Claim 19 includes the limitation that the liquid component is an organic liquid soluble or miscible in dense carbon dioxide or supercritical carbon dioxide, while claim 20 sets forth specific liquid components, e.g. isopropyl alcohol. (Specification page 6, lines 18-29)

The present invention provides enhanced wafer cleaning performance and has the advantage of delivering dense gas and liquid at high pressures and flow rates without the use of high-pressure pumps.

Grounds of Rejection to be Reviewed

1. Whether claims 1-20 are properly rejected under 35 USC 103(a) as being unpatentable over DeYoung et al. (US 2002/0112747) in combination with Nishio (US 6,612,818).
2. Whether claims 1-2, 5, 8-19 and 20 are properly rejected under 35 USC 103(a) as being unpatentable over Barton (US 6,085,762) in combination with Nishio.
3. Whether claims 1-20 are properly rejected under 35 USC 103(a) as being unpatentable over DeYoung et al. in view of Nishio and as further evidenced by Carney (US 6,076,557).
4. Whether claims 1-2, 5, 8-19 and 20 are properly rejected under 35 USC 103(a) as being unpatentable over Barton in view of Nishio and as further evidenced by Carney.

Argument

1. Whether claims 1-20 are properly rejected under 35 USC 103(a) as being unpatentable over DeYoung et al. (US 2002/0112747) in combination with Nishio (US 6,612,818).

The Examiner has rejected claims 1-20 under 35 USC 103(a) as being unpatentable over DeYoung et al. in combination with Nishio. The Examiner cites DeYoung et al. as disclosing a process and apparatus for cleaning semiconductor wafers using dense carbon dioxide. However, the Examiner recognizes that DeYoung et al. does not teach use of a bellows accumulator as defined by the present claims. Therefore, the Examiner relies on Nishio for disclosure of a bellows type pump and accumulator used to transport chemical liquid for various processes, including washing liquid crystal displays. The Examiner then concludes that it would have been obvious “to use the accumulator taught by Nishio instead of the pressure vessel taught by DeYoung et al. to obtain the claimed process and system, and to improve the cleaning process”. The Examiner reaches this conclusion “because both accumulator and pressure vessel [are] used to elevate the pressure of the cleaning component”. In addition, the Examiner suggests that it would have been obvious “to adjust the flow rate to obtain the component velocity as claimed”, but does not cite any prior art in support thereof. These rejections are respectfully traversed and it is respectfully submitted that the present claims are patentably distinct from DeYoung et al. in combination with Nishio.

Initially it is respectfully submitted that in order to support a conclusion that a claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teaching of the

references. (See Ex parte Clapp, 227 USPQ 972; PTO Bd of APP INT, 1985.) Further, applicants respectfully submit that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. (See ACS Hospital Systems, Inc. v. Montefiore Hospitals, 221 USPQ 929; Fed Cir. 1984.)

In this light, it is respectfully submitted that DeYoung et al. and Nishio clearly fail to expressly or impliedly suggest combination. Further, the Examiner has failed to provide a convincing line of reasoning that supports the combination.

In particular, it is clear that neither DeYoung et al. nor Nishio expressly or impliedly suggests combination. In fact, the two references are directed to very different technologies that makes the supposed combination extremely unlikely. DeYoung et al. relates to methods of cleaning microelectronic structures, while Nishio is directed to reducing pulsation in a bellows type pump. While the Nishio pump could be used in a surface cleaning system, such fact hardly supports the combination suggested by the Examiner. In particular, the mere fact that both the DeYoung et al. and Nishio systems employ some type of pressure device falls well short of providing the necessary incentive for combination.

Further, even if the references could be combined as suggested by the Examiner, it is respectfully submitted that such combination would not render the present invention obvious. In this light, the Examiner has recognized that DeYoung et al. fails to teach or suggest the use of a bellows accumulator. It is respectfully submitted that replacing the vessel of DeYoung et al. with the bellows type pump of Nishio would actually render the DeYoung et al. apparatus and method inoperable. The cleaning process of DeYoung et al, as well as that of the present invention, requires elevated pressures for the cleaning components. Conversely, Nishio discloses use of either a bellows

type pump or a bellows type accumulator employed as a pulse dampener to convey a low pressure fluid in a chemical process. The bellows type pump of Nishio is incapable of pumping fluids to high pressure for a number of reasons. Initially, excessive force would be required to move the piston rod 13 if high pressures were present in bellows 7 of Nishio. In addition, the bellows 7 is required to be easily deformable and therefore is incapable of containing high pressure without having balancing with high pressure fluids outside of the bellows 7. Clearly, Nishio does not disclose such an arrangement. Therefore, there is simply no incentive for one skilled in the art to look to Nishio, a low pressure system, as a possible combination with DeYoung et al, a high pressure system. As noted, even if combinable, such combination would not render the present invention obvious, but would rather result in an inoperable system.

The Examiner also appears to be asserting that the adjustment of flow rate to obtain component velocity as claimed in the instant claims would be "well known" or a "matter of common knowledge" and that the particular velocities of the present claims (claims 6 and 7) would be "well known". This assertion is respectfully traversed, and it is respectfully submitted that the Examiner has failed to meet the "substantial evidence" standard (See MPEP 2144.03) that requires the facts asserted to be well-known be capable of instant and unquestionable demonstration as being well-known. It is not appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known, as is the case here. It is clear that the specific velocities of the present claims are not well known, but rather a specific dependent limitation appropriate for the present invention. The Examiner had been asked repeatedly to provide documentary evidence supporting this allegation as required by MPEP 2144.03, but has failed to do

so, despite adding the new grounds of rejection as will be discussed in more detail below.

It is further noted that many specific limitations of the present claims have been completely ignored by the Examiner. In particular, as noted above with respect to present claims 6 and 7, neither DeYoung et al. nor Nishio provide any guidance on the velocity at which cleaning mixtures are imparted to the wafer surface. Further, all of present claims 8-12 and 14-20 require the presence and use of two accumulators, preferably two bellows accumulators.

Such an arrangement is not contemplated or even hinted at by either DeYoung et al. or Nishio. In this light, it is abundantly clear that there is no reasonable combination of these references that would result in the claimed invention having two accumulators. Such a result can only be attributed to impermissible hindsight in light of the instant invention. In addition, since the use of two accumulators is not suggested by any combination of DeYoung et al. and Nishio, there can simply be no obviousness attached to the interrelated workings of the two accumulators as set forth in the present claims: e.g. applying the elevated pressure to the second bellows via the dense gas component (claims 9, 11 for example); mixing the components from the two accumulators prior to entering the process chamber (claims 10, 12, 15, 16 for example).

It is respectfully submitted that present claims 1-20 are patentably distinct from DeYoung et al. in combination with Nishio and it is respectfully requested that the rejection of such claims under 35 USC 103(a) be reviewed and overturned by the Board of Appeals.

2. Whether claims 1-2, 5, 8-19 and 20 are properly rejected under 35 USC 103(a) as being unpatentable over Barton (US 6,085,762) in combination with Nishio.

The Examiner has rejected claims 1-2, 5, 8-19 and 20 under 35 USC 103(a) as being unpatentable over Barton in combination with Nishio. The Examiner indicates that Barton discloses a process and system for cleaning semiconductor wafers, but notes that Barton (like DeYoung et al) fails to teach the bellows accumulator required by the present claims. Therefore, the Examiner again relies on Nishio for teaching a bellows accumulator for the same reasons as set forth with respect to claims 1-20 and the combination with DeYoung et al. noted above. These rejections are traversed and it is respectfully submitted that the present claims are patentably distinct from Barton in combination with Nishio.

The Barton system uses three ballast tanks 36, 38, and 40 that are simple vessels periodically refilled with the dense phase fluid and fluid modifier. Such simple vessels are sufficient in Barton because there is no capability to maintain constant pressure in the process vessel of Barton. In fact, it is actually intended to be able to change the pressure in the process vessel. As noted above, Nishio relates to a low pressure system. There is again no reason why one skilled in the art would look to Nishio for combination with Barton, and clearly the Examiner has failed to meet the burden necessary for establishing such a combination. The Examiner's statements that "simply alternating choice of tank because Barton discloses that to render the process as continuously efficient as possible ..." falls well short of this burden and in fact makes little if any sense. It is completely unclear why or how the bellows pump of Nishio could be substituted for the ballast tanks of Barton and it is respectfully submitted that such substitution would at best defeat the purpose of the Barton system.

As noted above with respect to the combination of DeYoung et al. and Nishio, many specific limitations of the present claims have again been completely

ignored by the Examiner. In particular, all of present claims 8-12 and 14-20 require the presence and use of two accumulators, preferably two bellows accumulators. Such an arrangement is not contemplated or even hinted at by either Barton or Nishio and therefore is the construct of impermissible hindsight on the part of the Examiner. In addition, since the use of two accumulators is not suggested by any combination of Barton and Nishio, there can simply be no obviousness attached to the interrelated workings of the two accumulators as set forth in the present claims: e.g. applying the elevated pressure to the second bellows via the dense gas component (claims 9, 11 for example); mixing the components from the two accumulators prior to entering the process chamber (claims 10, 12, 15, 16 for example).

Therefore, it is respectfully submitted that present claims 1-2, 5, 8-19 and 20 are patentably distinct from Barton in combination with Nishio and it is respectfully requested that the rejection of such claims under 35 USC 103(a) be reconsidered by the Board of Appeals and overturned.

3. Whether claims 1-20 are properly rejected under 35 USC 103(a) as being unpatentable over DeYoung et al. in view of Nishio and as further evidenced by Carney (US 6,076,557).

This new ground of rejection was added for the first time in the Examiner's Answer of July 14, 2006. The statement of rejection is a nearly identical to the statement of rejection noted above with respect to DeYoung et al. and Nishio alone. However, the Examiner has noted specific statements in Nishio that suggest the Nishio accumulator can be used at "elevated pressure". Further, the Examiner now relies upon Carney as evidence that diaphragm type accumulators are typically suited only for relatively low pressure applications when constructed of metal and somewhat higher pressure applications when constructed of rubber. The Examiner then reaches the same conclusion as

before stating that "it would be obvious for one skilled in the art to use the accumulator taught by Nishio instead of the pressure vessel taught by DeYoung et al. to obtain the claimed process and system, and to improve the cleaning process". These rejections are respectfully traversed and it is respectfully submitted that the present claims are patentably distinct from DeYoung et al. in view of Nishio as further evidenced by Carney.

Nothing in the newest statements of the Examiner concerning Nishio, nor the addition of the Carney reference alters the arguments set forth above in any way. Rather, there is even less reason for the combination suggested by the Examiner. In particular, the none of DeYoung et al, Nishio no Carney expressly or impliedly suggest any combination and the Examiner has completely failed to provide any line of reasoning, much less a convincing line of reasoning to support the suggested combination. The references to Nishio that state that filling pressure can be raised and the utilization of an "automatic air supply valve mechanism" does not alter the fact that Nishio is exclusively for use in low pressure situations. It is noted that even the Examiner does not suggest that Nishio can be used for high pressure operations, but rather relies on the use of the term "elevated". Clearly, elevated and high pressure are not the same thing. Further, whether different types of materials used for different bellows would allow operation at different pressures as suggested by Carney, does not provide any impetus for the combination of DeYoung et al. an Nishio as suggested by the Examiner. Rather, the addition of a third reference simply makes the suggested combination even less likely and more the product of impermissible hindsight.

For the reasons noted above, even if DeYoung and Nishio could be combined as suggested by the Examiner, it is respectfully submitted that such combination would not render the present invention obvious and would actually render the DeYoung et al. apparatus and method inoperable. Carney adds

nothing to this combination that would alter the inoperability of the DeYoung and Nishio combination. There is simply no incentive for one skilled in the art to look to Carney to solve problems with the combination of Nishio with DeYoung et al.

Further, the Examiner has still failed to provide any documentary evidence to support the allegations that the adjustment of flow rate to obtain component velocity as claimed in the instant claims would be "well known" or a "matter of common knowledge" and that the particular velocities of the present claims (claims 6 and 7) would be "well known". It does not appear that Carney was cited for such purpose and there is nothing in Carney would suggest such a conclusion. Therefore, the Examiner has failed to meet the "substantial evidence" standard (See MPEP 2144.03) that requires the facts asserted to be well-known be capable of instant and unquestionable demonstration as being well-known.

In light of the above, it is clear that the Examiner has completely ignored the many specific limitations of the present claims. With respect to present claims 6 and 7, none of DeYoung et al, Nishio nor Carney provide any guidance on the velocity at which cleaning mixtures are imparted to the wafer surface. Further, all of present claims 8-12 and 14-20 require the presence and use of two accumulators, preferably two bellows accumulators. Such an arrangement is not contemplated or even hinted at by any of DeYoung et al, Nishio or Carney. In this light, it is abundantly clear that there is no reasonable combination of these references that would result in the claimed invention having two accumulators and that such a result can only be attributed to impermissible hindsight in light of the instant invention. In addition, since the use of two accumulators is not suggested by any combination of DeYoung et al, Nishio and Carney, there can simply be no obviousness attached to the interrelated workings of the two accumulators as

set forth in the present claims: e.g. applying the elevated pressure to the second bellows via the dense gas component (claims 9, 11 for example); mixing the components from the two accumulators prior to entering the process chamber (claims 10, 12, 15, 16 for example).

It is respectfully submitted that present claims 1-20 are patentably distinct from DeYoung et al. in view of Nishio and as further evidenced by Carney and it is respectfully requested that the rejection of such claims under 35 USC 103(a) be reviewed and overturned by the Board of Appeals.

4. Whether claims 1-2, 5, 8-19 and 20 are properly rejected under 35 USC 103(a) as being unpatentable over Barton in view of Nishio and as further evidenced by Carney.

This new ground of rejection was also added for the first time in the Examiner's Answer of July 14, 2006. The Carney reference has been added to the rejection for the same reasons as noted above; e.g. as evidence that diaphragm type accumulators are typically suited only for relatively low pressure applications when constructed of metal and somewhat higher pressure applications when constructed of rubber. The Examiner continues to reach the same conclusions that "it would be obvious for one skilled in the art to use the accumulator taught by Nishio instead of the ballast tank taught by Barton to obtain the claimed process and system, and to improve the cleaning process".

These rejections are respectfully traversed and it is respectfully submitted that the present claims are patentably distinct from Barton in view of Nishio as further evidenced by Carney.

There is very little to add here by way of argument as the Examiner has so clearly failed to provide any plausible reasoning for the suggested combination or how such combination would meet the requirements of the

present claims. The addition of the Carney reference does nothing to alter the arguments set forth above in any way. Rather, there is even less reason for the combination suggested by the Examiner. In particular, the none of Barton, Nishio no Carney expressly or impliedly suggest any combination and the Examiner has completely failed to provide any line of reasoning, much less a convincing line of reasoning to support the suggested combination. Rather, the addition of a third reference simply makes the suggested combination even less likely and more the product of impermissible hindsight. It remains completely unclear why or how the bellows pump of Nishio could be substituted for the ballast tanks of Barton and it is respectfully submitted that such substitution would at best defeat the purpose of the Barton system, irregardless of the teachings of Carney.

As noted above, the Examiner has completely ignored the many specific limitations of the present claims. None of Barton, Nishio nor Carney provide any guidance related to the use of two accumulators, preferably two bellows accumulators. Such an arrangement is not contemplated or even hinted at by any of Barton, Nishio or Carney. In this light, it is abundantly clear that there is no reasonable combination of these references that would result in the claimed invention having two accumulators and that such a result can only be attributed to impermissible hindsight in light of the instant invention. In addition, since the use of two accumulators is not suggested by any combination of Barton, Nishio and Carney, there can simply be no obviousness attached to the interrelated workings of the two accumulators as set forth in the present claims: e.g. applying the elevated pressure to the second bellows via the dense gas component (claims 9, 11 for example); mixing the components from the two accumulators prior to entering the process chamber (claims 10, 12, 15, 16 for example).

It is respectfully submitted that present claims 1-2, 5, 8-19 and 20 are patentably distinct from Barton in view of Nishio and as further evidenced by Carney and it is respectfully requested that the rejection of such claims under 35 USC 103(a) be reviewed and overturned by the Board of Appeals.

Response to Argument

The Examiner has provided further reasoning in the Reply Brief in response to arguments set forth in the Appeal Brief. In particular, The Examiner suggests that the argument that Nishio does not disclose applying elevated pressure to the bellow is unpersuasive. The Examiner further suggests the Nishio accumulator is capable of use in high pressure, because “Nishio indicates that compressed air is used to elevate the pressures in the bellows and thus suggest that bellows accumulators can be used at elevated/higher pressure”. The Examiner then repeats the discussion relating to Carney and concludes that one skilled in the art would find the Nishio accumulator to be capable and readily useful in high pressure systems and applications. Moreover, the Examiner finds that one skilled in the art would find it obvious to adjust the pressure in Nishio by using a pressure-regulating mechanism because the pressure claimed could read on pressurizing the bellow to discharge the liquid toward the surface to be treated and because the references are all from the same technical endeavor, i.e. using densified carbon dioxide cleaning compositions for cleaning a substrate under pressure.

The above remarks of the Examiner are respectfully traversed. Initially, it is noted that the Examiner has mischaracterized the applicants arguments. In particular, applicants have never argued that Nishio is incapable of operating at “elevated” pressure, but rather that Nishio represents a low pressure system as opposed to the “high” pressure system of DeYoung et al. As noted

above, there is a significant difference between elevating pressure and high pressure. The fact that Nishio needs to elevate pressure in the bellows for operation does not alter the fact that Nishio is solely a low pressure apparatus and can not possibly be used as a substitute for high pressure portions of DeYoung et al. or Barton. Carney adds nothing to the Examiner's arguments concerning this point.

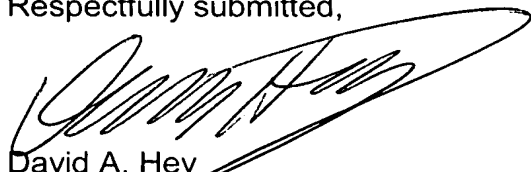
The additional comments concerning the ability to adjust pressure in Nishio by using a pressure-regulating mechanism are not understood as such has little if anything to do with the present invention as claimed. Further, the Examiners statements that the references are all from the same technical endeavor are respectfully traversed. At least with respect to Carney, there does not appear to be any evidence supporting the Examiner's statements.

Conclusion

For the reasons noted above, appellants respectfully submit that the Examiner's final rejection of claims 1-20 is not properly founded in law and, therefore, it is respectfully requested that the Board of Appeals so find and reverse the Examiner's final rejection.

A copy of the Claims on appeal, i.e. Claims 1-20 is found in the attached appendix.

Respectfully submitted,



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CLAIMS APPENDIX

1. A process for cleaning a surface of a semiconductor wafer, which comprises:
 - providing a wafer;
 - conveying a component selected from the group consisting of: a dense gas component, a liquid component and a mixture thereof to a bellows accumulator having a bellows therein;
 - applying an elevated pressure to said bellows sufficient to discharge said component from said bellows onto said surface of said wafer; and
 - contacting said component with said surface of said wafer to clean said wafer.
2. The process of claim 1, wherein said dense gas component is dense carbon dioxide or supercritical carbon dioxide.
3. The process of claim 2, wherein said liquid component is an organic liquid component soluble or miscible in dense carbon dioxide or supercritical carbon dioxide.
4. The process of claim 1, wherein said liquid component is selected from the group consisting of: isopropyl alcohol, hydrofluoric acid, pyridine and combinations thereof.
5. The process of claim 1, wherein said elevated pressure is applied to said bellows via a compressed gas.

6. The process of claim 1, wherein said component is a mixture and said step of contacting said component with said surface of said semiconductor wafer takes place in a pressure chamber, and further comprising the steps of:
- charging said pressure chamber with said mixture to a free headspace pressure of about 1000 psia or more, and
 - discharging said mixture from said bellows at a flow rate sufficient to impart a mixture velocity of about 10 cm/sec or more.
7. The process of claim 1, wherein said component is a mixture and said step of contacting said component with said surface of said semiconductor wafer takes place in a pressure chamber, and further comprising the steps of:
- charging said pressure chamber with said mixture to a free headspace pressure of about 2400 psia or more, and
 - discharging said mixture from said bellows at a flow rate sufficient to impart a mixture velocity next to the wafer surface of about 50 cm/sec or more.
8. A process for cleaning a surface of a semiconductor wafer, which comprises:
- providing a wafer;
 - conveying a dense gas component to a first bellows accumulator having a first bellows therein;
 - conveying a liquid component to a second bellows accumulator having a second bellows therein;
 - applying an elevated pressure to said first bellows sufficient to discharge said dense gas component from said first bellows onto a surface of said wafer;
 - applying an elevated pressure to said second bellows sufficient to discharge said liquid component from said second bellows onto said surface of said wafer; and

contacting said dense gas component or said liquid component with said surface of said wafer to clean said wafer.

9. The process of claim 8, wherein said elevated pressure is applied to said second bellows via said dense gas component.

10. The process of claim 8, wherein said dense gas component and said liquid component are mixed prior to application to said surface of said wafer.

11. A process for cleaning a surface of a semiconductor wafer, which comprises:

providing a wafer;

conveying a dense gas component to a first accumulator wherein said first accumulator is a bellows accumulator having a first bellows therein;

conveying a liquid component to a second accumulator;

applying an elevated pressure to said first bellows sufficient to discharge said dense gas component from said first bellows onto said surface of said wafer;

applying an elevated pressure via said dense gas component to said second accumulator sufficient to discharge said liquid component from said second accumulator onto said surface of said wafer; and

contacting said dense gas component and said liquid component with said surface of said wafer to clean said wafer.

12. The process of claim 11, wherein said dense gas component and said liquid component are mixed prior to application to said surface of said wafer.

13. A system for cleaning a surface of a semiconductor wafer, which comprises:

- a bellows accumulator having a bellows therein adapted to receive and retain a component selected from the group consisting of a dense gas component, a liquid component and a mixture thereof;

- a means for applying an elevated pressure to said component sufficient to discharge it from said bellows onto a wafer;

- a chamber adapted to receive and retain said semiconductor wafer and receive said component.

14. A system for cleaning a surface of a semiconductor wafer, which comprises:

- a first accumulator wherein said first accumulator is a bellows accumulator having a bellows therein adapted to receive and retain a dense gas component;

- a means for applying an elevated pressure to said dense gas component sufficient to discharge it from said bellows onto a wafer;

- a second accumulator adapted to receive and retain a liquid component;

- a means for applying an elevated pressure to said liquid component sufficient to discharge it from the second accumulator onto said wafer;

- a chamber adapted to receive and retain said semiconductor wafer and receive said dense gas component and said liquid component.

15. The system of claim 14, further comprising a means adapted to receive and mix said dense gas component and said liquid component prior to said chamber.

16. A process for mixing a dense gas component and a liquid component, which comprises:

conveying a dense gas component to a first accumulator wherein said first accumulator is a bellows accumulator having a first bellows therein;

conveying a liquid component to a second accumulator;

applying an elevated pressure to said first bellows sufficient to discharge said dense gas component from said first bellows;

applying an elevated pressure to said second accumulator sufficient to discharge said liquid component from said second accumulator; and

combining the discharged dense gas component and the discharged liquid component to form a mixture.

17. The process of claim 16, wherein the second accumulator is a second bellows accumulator.

18. The process of claim 16, wherein said dense gas component is dense carbon dioxide or supercritical carbon dioxide.

19. The process of claim 16, wherein said liquid component is an organic liquid component soluble or miscible in dense carbon dioxide or supercritical carbon dioxide.

20. The process according to claim 16, wherein said liquid component is selected from the group consisting of: isopropyl alcohol, hydrofluoric acid, pyridine and combinations thereof.

EVIDENCE APPENDIX

Not Applicable

RELATED PROCEEDINGS APPENDIX

Not Applicable